



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Washington School Playground Equipment Contract

MEETING DATE: March 1, 1995

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council rescind the contract award to Benton Fence and Drilling and authorize staff to fulfill its obligation to the Lodi Unified School District by purchasing the playground equipment for Washington School directly from the supplier and, by using purchase orders for the work needed, to install the equipment and complete the project as described below.

BACKGROUND INFORMATION: In June 1994, the City entered into an agreement with the Lodi Unified School District to dedicate a well site at Washington School in exchange for the purchase and installation of playground equipment at the same school.

On July 6, 1994, Council approved plans and specifications to install the playground equipment at Washington School. Only two bids were received for this work and the low bidder was Benton Fence and Drilling of Galt. The total contract amount was \$32,489.46 which included \$2,875.00 in additional work being paid for by the School District. Eagle Enterprises, the other bidder, was significantly higher (\$41,279.00) than both the engineer's estimate and Benton Fence and Drilling. The State Licensing Board was contacted prior to the award of the contract and the City was informed that Benton Fence and Drilling's contractor's license and bonds were current and active. Council awarded the contract to Benton Fence and Drilling on September 15, 1994, and a preconstruction meeting was held with Benton Fence and representatives from the School District on September 28, 1994.

The contract and instructions for bonding and insurance were sent to Benton Fence the week after Council awarded the contract. The original contract papers were misplaced by the contractor and a second set of contract documents was sent. Benton Fence has signed and returned the contract and also submitted general liability insurance naming the City of Lodi as an additional insured. Mr. Benton was contacted last October on the status of his bonds and, at that time, he told the City he was having trouble getting his bonding company to complete the paperwork. In December, Mr. Benton informed the City he had switched bonding companies and the new bonding agency was reviewing his application and doing a background check on his company. Last month, Mr. Benton said his new bonding company was still reviewing his application and his concrete subcontractor was willing to have his bonding company provide the surety for the project. City staff offered to allow the subcontractor to provide the necessary bonds as long as they would name Benton Fence and cover the entire contract. As of this date, February 22, 1995, the City has still not received any bonds for this project.

APPROVED: _____

THOMAS A. PETERSON
City Manager



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Washington School Playground Equipment Contract

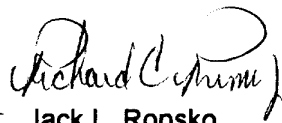
March 1, 1995

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Section 2.800, "Execution of Contract", of this project states that, "No proposal shall be considered binding upon the City until the execution of the contract." This contract has not been executed because the labor and material bond, the faithful performance bond and auto liability insurance have not been submitted or approved by the City. Staff is now asking Council to rescind the award of the contract to Benton Fence and Drilling, allow staff to purchase the playground equipment directly from the supplier and issue a purchase order to have the equipment installed. Staff has obtained the names of three installers of playground equipment and is in the process of obtaining quotes from each of them. The City has an annual contract for miscellaneous concrete work and staff would like to use this contractor to install the concrete curbing, handicap ramps and the flatwork included in the scope of work. Following this course of action will allow us to finish the project in roughly the same amount of time as it would take to rebid and award a new contract. We will also retain the 10 percent bid security provided by Benton Fence and use it toward any additional direct costs incurred in completing the project. We would also apply it to any increased costs on the portion of the work funded by the District.

Since the agreement was signed last year, the City has installed all the underground work, drilled the well, and has almost completed the fencing and driveway on the site. The contract for the well's pump and motor has been awarded and all the electrical work should be completed in the next two months. In the meantime, the children of Washington School have gone without a playground. The Lodi Unified School District staff and the parents at Washington School have been extremely patient and we would like to get the playground equipment installed as soon as possible.

FUNDING: Originally Budgeted: 1993/94
Budgeted Fund: Water Development Impact Mitigation Fee
Current Appropriation: \$ 331,000.00
Total Project Estimate: \$ 34,000.00 (this phase)
Bid Opening Date: September 7, 1994


for Jack L. Ronsko
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

JLR/WKF/lm

cc: City Attorney
Lodi Unified School District - Facility Planning
Principal Morehead, Washington School
Benton Fence and Drilling

CITY COUNCIL

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City Clerk
BOB McNATT
City Attorney

February 23, 1995

Benton Fence and Drilling
Attn: Dick Benton
11729 Langford Road
Galt, CA 95632

SUBJECT: Washington School Playground Equipment Contract

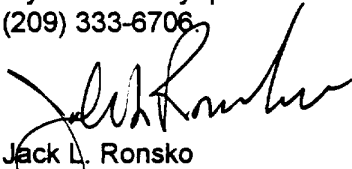
Enclosed is a copy of staff's recommendation to the City Council to rescind the contract awarded to you on September 15, 1994. The Council Meeting at which this will be considered is on Wednesday, March 1, 1995, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Richard Prima at (209) 333-6706.



Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk